

# CITY OF MONTEREY PARK

320 West Newmark Avenue • Monterey Park • California 91754-2896  
BUILDING AND SAFETY DIVISION [buildingdivision@montereypark.ca.gov](mailto:buildingdivision@montereypark.ca.gov)



## UNREASONABLE HARDSHIP REQUEST

For projects with an Adjusted Construction Cost exceeding the current valuation threshold and requesting exceptions to disabled access regulations per Section 11B-202.4 Exception 8. Of the California Building Code.

**Purpose:** When improvements are made to existing place of public accommodation, public use areas, and public housing, Section 11B-202.4 Exception 8 of the 2016 California Building Code (CBC) allows for an exception in-lieu of bringing the entire structure up to compliance with current code standards for accessibility. To qualify for the exemptions, an unreasonable hardship must exist, and the project's adjusted construction cost (*including the cumulative cost of that area or other area on the same path of travel undertaken within a three-year period*) must exceed the current year's valuation threshold. Compliance must be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship. In no case will the cost of compliance be less than 20% of the adjusted construction cost.

### Definition CBC Section 202

Unreasonable Hardship – Unreasonable Hardship exists when the enforcing agency finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.
5. The nature of the use of the facility under construction and its availability to persons with disabilities.

Equivalent Facilitation – The use of designs, products, or technologies as alternatives to those prescribed, resulting in substantially equivalent or greater accessibility and usability.

**VALUATION THRESHOLD AMOUNT:** \$166,157.00

**YEAR:** 2019

The owner/applicant must have a design professional (licensed architect or civil engineer) complete and submit this form to the Building and Safety Division for a determination. A review fee is required for this service.

### PROJECT INFORMATION

Site Address

Date

City

Zip

Permit Application Number

Applicant

Owner

Phone Number

Phone Number

We request that this project be granted an exception from the following specified requirements of Title 24 Part 2 of the California Code of Regulations because compliance would create an unreasonable hardship as defined.

# Unreasonable Hardship Request

(Continued)

The access feature(s) that will not be provided is (are):

- |   |  |
|---|--|
| <input type="checkbox"/> 1. Accessible entrance;                          | <input type="checkbox"/> 2. Accessible public telephones;  |
| <input type="checkbox"/> 3. An accessible route to the area of remodel;   | <input type="checkbox"/> 6. Accessible drinking fountains; |
| <input type="checkbox"/> 4. Accessible restrooms;                         | <input type="checkbox"/> 7. Other (describe):              |
| <input type="checkbox"/> 5. Accessible parking, signs, storage and alarms |  |

Detail description of the accessible feature(s) that will not be provided. What is the condition now? Note on the plans or provide attachments if necessary. \_\_\_\_\_

## PATH OF TRAVEL REQUIREMENTS FOR AREA OF ALTERATION, STRUCTURAL REPAIR, OR ADDITION

Accessible Features	Does existing feature meet accessibility standards of Chapter 11B of the current CBC?	Will this feature be replaced or altered to meet Chapter 11B of the current CBC?	If so, how much will be spent to make this feature accessible?
1. Accessible entrance			
2. Accessible route to the altered area			
3. Accessible restroom for each sex or a unisex restroom			
4. Accessible public telephones			
5. Accessible drinking fountains			
6. Other (any of the below)			
a. Accessible parking spaces			
b. Signs			
c. Storage and Alarms			
d. Other accessible elements			
Cost of all features provided	Summary of costs of Accessible Features Nos. 1-6 provided above	A	
Total adjusted cost of construction	Total cost of alterations (preceding 3-year period)	B	
	Construction cost for all proposed work on this permit application <b>except</b> Accessible Features Nos. 1-6 provided above	C	
Percentage upgrades provided	Cost of all features provided / total adjusted cost on same path of travel; [ (A ÷ (B+C)) x 100 ]	D	

I, the undersigned, hereby request that the above referenced project be granted exception from the accessibility requirements of the 2016 California Building Code, Chapter 11B, Section 11B-202.4, Exception 8. I certify that the information provided on this application is true and correct.

Name (*print*): \_\_\_\_\_  Architect  Civil Engineer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**All unreasonable hardship requests will be submitted to the Access Appeals Commission for ratification unless it is denied.**

If your unreasonable hardship request is denied, the plan checker shall inform you of the reasons for denying that request. If the Division of Building and Safety denies your request for an Unreasonable Hardship, you may file an appeal with the Access Appeals Commission.

# Unreasonable Hardship Request

(Continued)

## FOR BUILDING AND SAFETY STAFF USE ONLY

This exception for unreasonable hardship is:

GRANTED FOR THIS PERMIT ONLY AND REQUIRES ACC RATIFICATION       DENIED

Based on Section(s): \_\_\_\_\_ of the California Building Code, 2016 Edition

Plans reviewed by: \_\_\_\_\_

Signature of the Plan Checker: \_\_\_\_\_ Date: \_\_\_\_\_

Denied for the following reason(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPEALS ACTION RATIFICATION RULING

The Appeals Action Ratification process took place on \_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved

Not Approved

**[Note:** The elements noted on this application shall comply with accessibility requirements of the California Building Code, Chapter 11B and shown on the approved construction plans.]

\_\_\_\_\_  
Name (*print*):

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

### Footnotes:

1. The cost of alterations for the preceding three years include cost of construction of all alterations which did not provide an accessible path of travel to the area of the proposed alteration.
2. For the purpose of this exception, the adjusted construction cost of alterations, structural repairs or additions shall not include the cost of alterations to the path of travel elements required to comply with Section 11B-202.4.
3. The cost of making the area of alterations or remodel accessible is not allowed to be excluded.
4. The dollar valuation threshold is valid for the duration of one calendar year only and will be adjusted on the first of January of each year.